

LANDLORD GUILTY OF NEGLIGENCE

Lack of Fire Escapes Conclusive Proof of Infringement of Law.

DECISION GIVEN BY COURT OF APPEALS

Building in Case Unusually Low-Sized, but Ruling Was Based on Stories, Not Height.

The Advisory Council of Real Estate Interests desires to call to the attention of property owners the recent decision of the Court of Appeals, in the case of Amberg v. Kinley, whereby it is declared that failure to provide fire escapes as required by Section 22 of the labor law establishes a conclusive proof of negligence against such persons not complying with this provision.

The section of the labor law prescribes the following: "Every factory, with regard to fire escapes on factories: 'Such fire escapes as may be deemed necessary by the Commissioner of Labor shall be provided on the outside of every factory in this state consisting of three or more stories in height.' The property owner possessed a large wooden building for drying oiled hides, 123 feet long and 43 feet wide, commonly termed a tannery drying loft. The first floor of this drying loft was on the ground, with only two board floors above, the third story being only sixteen feet from the ground. Notwithstanding the moderate height of the building, the court primarily held that it was three stories high, within the meaning of the labor law. Though tanneries were banned around the building outside to the top story, thereby indicating its low structure, this fact was not regarded as sufficient weight to exclude the building from the operation of the labor law.

There were seven bents in the building and on the second and third floors there were ventilators in each bent. These ventilators were 12 feet high. Although on a level with the floor, they were provided with a pair of shutters fastened at the top or hinges, and they could be easily swung outward at the bottom. However, no fire escapes were provided on the building, the owner not feeling it necessary, doubtless, with a building the third floor of which was but sixteen feet from the ground with seven ventilators through the ventilator openings 8 feet by 3 feet.

Two employees were engaged at work in taking the hides soaked with oil out of a wheelbarrow on the first floor, loading them on a truck, taking them up by elevator to the top or third floor and there hanging them on pegs in the beams of the ceiling to dry. One afternoon they took a truck loaded with hides and placed it on the elevator. Then one of the employees left the building, and did not return for ten minutes, when he found the loft in flames. It burned very rapidly and was consumed. After the fire, the body of the employee was found among the embers on the ground, under the place where he and his co-employee had been hanging the hides on the third floor before the fire. Circumstantial evidence adduced would tend to prove that the deceased employee was on the third floor hanging hides at the time of the fire.

The court held that it was not necessary for the part of the representatives of the deceased, in an action of damages against the property owner, to

NEW FLATBUSH HOMES

Row of Flats with Stores on Coney Island Avenue.

In the Flatbush section of Brooklyn much activity has been reported of late. Many new structures are going up and the quick manner in which they are sold or rented shows that there is a big demand for homes in this district.

APPROVE PROJECTS IN WESTCHESTER

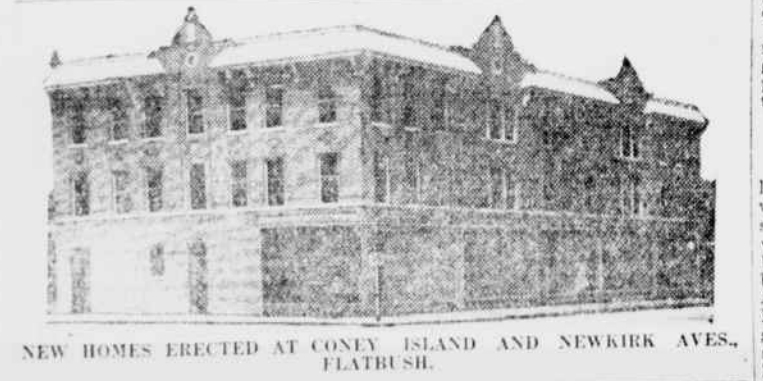
Supervisors Accept Recommendations of Building Commission.

Definite steps were taken by the Westchester County Board of Supervisors in the last week to spend \$1,100,000 for a new addition to the White Plains Courthouse, and for the erection of a county penitentiary and workhouse on the Alexander Smith Cechan farm, near East View. The newly created Building Commission, consisting of Robert S. Brewster, chairman; Arthur V. Lawrence and George Mertz, submitted recommendations to the supervisors regarding the new buildings, and they were unanimously approved by the supervisors.

Part of the front of the old courthouse will be razed, and in the place a new addition, or two groups of buildings, of granite, will be erected to cost about the present structure back as far as the County Court room. The Surrogate, District Attorney and Supreme Court library will be moved to the new building. The work is going on rapidly while the old County Court building, with the new wings adjoining, and when the new group is completed there will be four buildings in the center of the historic old County Courthouse, which was built in 1855.

It is proposed to move the Surrogate's court room, offices and records to a room across the street in the Miles building. The library will be moved to the new building. The work is going on rapidly while the old County Court building, with the new wings adjoining, and when the new group is completed there will be four buildings in the center of the historic old County Courthouse, which was built in 1855.

"The Building Commission, after careful consideration, and realizing the need for relief from pressing conditions in the County Courthouse and jail, wishes to undertake these two building projects first and to start work on the proposed Courthouse building as soon as the County Courthouse is demolished of that part of the present County Courthouse which houses the following departments: Library, Surrogate's court and record



NEW HOMES ERECTED AT CONEY ISLAND AND NEWKIRK AVES., FLATBUSH.

prove that he had negligently caused the death of his testator, in order to establish the liability of the property owner. Mere non-compliance with that provision of the labor law requiring fire escapes was sufficient to determine conclusively negligence on the part of the property owner, although the building was provided with stairs, elevators, windows, seven ventilator openings, was three stories high, and there were no stories in it. Failure to provide a fire escape thus establishes the negligence of a property owner, as a matter of law, even under conditions as stated.

Site for Orphans' Home.

The recent announcement that the Bethlehem Orphan and Half Orphan Asylum, now located at College Point, would move to Staten Island was confirmed yesterday by brokers who have just sold the institution a large site overlooking the harbor. Through the Douglas Robinson, Charles S. Brown, James J. Sterling Drake and John Lucker as brokers, the asylum bought the twenty-acre tract located on the north side of Fingerboard Road at Archer, owned for many years by the Alexander H. Barrett estate. It is part of a much larger tract purchased by the selling family in 1859.

Over half the property is finely wooded and commands extensive views. The asylum authorities plan to immediately improve it along high class lines, the first structure to be erected there to cost in the neighborhood of \$100,000.

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ARTISTIC HOUSES IN THE REDFORD PARK SECTION, THE BRONX. These homes are at Mosholu Parkway, South and Perry avenues.

STATISTICS FOR APRIL

Buildings in 84 Cities to Cost Over \$50,000,000.

Reports to "Bradstreet's Journal" as to building show that while the percentages of decrease are being whittled down, current building operations, taken the country as a whole, are still well below corresponding periods of previous years.

Reports this week to Bradstreet's (eighty-four cities reporting) show a total expenditure of \$50,043,967 for April, as against \$53,366,635 for April a year ago, a decrease of 6.3 per cent.

It will be recalled that in February and March the decreases were in the neighborhood of 12 per cent, and in January the loss from a year ago was 8.3 per cent. In the last quarter of last year, however, the decreases from the like period of 1914 ranged from 13 per cent in November to 39 per cent in December. In April this year, twenty-nine out of the eighty-four cities reporting, or about one-third, showed gains.

The record of building expenditures as leading American cities reporting monthly, quarterly and yearly from January, 1913, down to and including April, 1915, shows the ebb and flow in the building industry in the last twenty-eight months, as follows:

Month	1915	1914	1913
Jan.	\$1,145,000	\$1,100,000	\$1,100,000
Feb.	\$1,145,000	\$1,100,000	\$1,100,000
Mar.	\$1,145,000	\$1,100,000	\$1,100,000
Apr.	\$1,145,000	\$1,100,000	\$1,100,000
May	\$1,145,000	\$1,100,000	\$1,100,000
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As regards permits, it is to be noted that the total of eighty-four cities in year is 18,192, a decrease of 1.2 per cent from a year ago, which in turn lost 11 per cent from 1913.

Newark Transactions.

Feist & Feist, Inc., sold for the Bigelow Building and Loan Association the vacant plot, 55x105 feet, at 728 Bergen st., Newark, N. J., to Joseph Webber, who contemplates erecting a business building for his occupancy. The vacant brokers' leased for a term of years for Albert H. Peal to the C. T. Silver Motor Company, Inc., the large brick garage at 20 and 22 Warren Place, a service station for Overland and Peerless cars.

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FAVORS BUYING OF LAND FOR EXITS

Plan Suggested by Realty Board for William St. Subway Stations.

An unusual amount of attention is being given to the question of the location of stations on the new William St. subway.

This matter has been under consideration for some time by the Real Estate Board of New York, through its committee on railroad and transportation, E. C. Cannon, chairman. The other members are A. L. Dean, Sarsfield Doyle, William E. Harmon, Frank R. Houghton, Cyrus C. Miller and Carlisle Norwood. The conclusions reached by the board are expressed in the following resolution recently passed:

"That in connection with the construction of the subway in William and Nassau sts., being narrow streets, the Real Estate Board believes that the use of sidewalks for entrances and exits would be unwise, and that easements on private property should be condemned, but only sufficient space taken for entrance and exit purposes, and that entrances and exits should be

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Bush Terminal Leases.

The Bush Terminal Company reports the following leases of space in its buildings in Brooklyn: John Boyle &

Co., canvas and cotton ducks, 15,547 square feet; the Metallock Manufacturing Company, Inc., manufacturers of shipping tags, 10,103 square feet; the Porto Rican-American Tobacco Company, cigars, 3,706 square feet; the Acme Metal Decorating Co., Inc., tinplate decorators, 4,832 square feet. Additional space has been taken by

the United States Realty Company, 144 square feet; O. S. Richards, 14 wooden boxes, 8,129 square feet; Eisenman Magneto Company, 530 square feet; George McKibben & Son, bookbinders, 1,186 square feet; C. Agar & Co., cardboard and paper goods, 76,000 square feet, and E. W. Bliss Co., 76,000 square feet.

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